



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 96**

### **SENATE BILL NO. 103**

**By Kelsey, Lundberg**

Substituted for: House Bill No. 225

By Vaughan, White, Leatherwood, Hurt, Williams, Carr, Hazlewood, Lynn, Todd

AN ACT to amend Tennessee Code Annotated, Title 49; Title 58 and Title 68.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, Part 2, is amended by adding the following as a new section:

(a) During an emergency as defined in § 58-2-101, local boards of education may consult with the state and local health departments when determining whether to open or close a school to in-person learning and instruction.

(b) Notwithstanding an executive order issued by the governor or an order issued by a local health board or other public health official, a local board of education has the sole authority to open or close a school to in-person learning and instruction during an emergency as defined in § 58-2-101. A local board of education may delegate the authority to open or close a school to in-person learning and instruction to the director of schools.

(c) Notwithstanding subsection (b), during an emergency as defined in § 58-2-101, if the governor issues an executive order with statewide applicability that requires schools to be open for in-person learning and instruction, then the executive order supersedes the authority granted in subsection (b).

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 13, is amended by adding the following as a new section:

(a) During an emergency as defined in § 58-2-101, the governing body of a public charter school may consult with the state and local health departments when determining whether to open or close a school to in-person learning and instruction.

(b) Notwithstanding an executive order issued by the governor or an order issued by a local health board or other public health official, the governing body of a public charter school has the sole authority to open or close a school to in-person learning and instruction during an emergency as defined in § 58-2-101. The governing body of a public charter school may delegate the authority to open or close a school to in-person learning and instruction to the administrator of the public charter school.

(c) Notwithstanding subsection (b), during an emergency as defined in § 58-2-101, if the governor issues an executive order with statewide applicability that requires schools to be open for in-person learning and instruction, then the executive order supersedes the authority granted in subsection (b).

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 103

PASSED: March 25, 2021

  
RANDY McNALLY  
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 7<sup>th</sup> day of April 2021

  
BILL LEE, GOVERNOR